

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DWAYNE J. SCOTT and DERELL J. MEYNARD,
*individually and on behalf of all others similarly
situated*

Plaintiffs,

- against -

WHOLE FOODS MARKET GROUP, INC.,

Defendant.

CV 18-86 (SIF) (AKT)

AFFIDAVIT OF SERVICE BY
MAIL

STATE OF NEW YORK }
 }
COUNTY OF NASSAU }

SS:

Kristell Barrera, being duly sworn, deposes and says:

I am over 18 years of age and not a party to this action. On February 17, 2020 I served

THIRD AND FINAL SHOW CAUSE ORDER

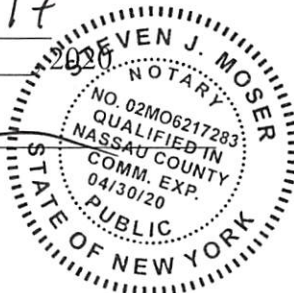
by mailing a true copy of the attached papers, enclosed and properly sealed in a postpaid envelope, which I deposited in an official depository under the exclusive care and custody of the United States Postal Services within the State of New York addressed to:

Dwayne J. Scott
13921 SW 22nd Place
Davie, FL 33325
Plaintiff

Kristell Barrera

Sworn to before me this 17
day of February

Notary Public



MOSER LAW FIRM, P.C.



Steven J. Moser
Direct: 631.759.4054
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Fax: 631.759.4054
smoser@moseremploymentlaw.com

February 17, 2020

Dwayne J. Scott
13921 SW 22nd Pl.
Davie, FL 33325

RE: Scott et al v. Whole Foods Market Group, Inc.,
Case No.: 18-cv-00086-SJF-AKT
Our Matter No.: 17-00007

Dear Mr. Scott,

You are ordered to appear in person on March 9, 2020 at 11 a.m. in Courtroom 910 of the Alfonse D'Amato Federal Court House, 100 Federal Plaza, Central Islip, New York, 11722, and show cause why this law firm should not be relieved as your counsel.

Failure to appear and or respond will result in the court relieving this law firm from representing you and making a recommendation for your claims in this action to be dismissed.

Attached herein please find the Third and Final Show Cause Order by the Hon. A. Kathleen Tomlinson for further details.

Regards,


Steven J. Moser

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
DWAYNE J. SCOTT and DERELL J. MEYNARD,
*individually and on behalf of all others similarly
situated*

Plaintiffs,

- against -

WHOLE FOODS MARKET GROUP, INC.,

Defendant.

-----X

**THIRD AND FINAL
SHOW CAUSE ORDER**

CV 18-86 (SJF) (AKT)

A. KATHLEEN TOMLINSON, Magistrate Judge:

**To: Dwayne J. Scott
13921 SW 22nd Pl.
Davie, FL 33325**

This case was set down for a Show Cause Hearing on October 17, 2019 by Order of the Court dated September 18, 2019. DE 46. Plaintiff Dwayne J. Scott was directed to appear before the Court and show cause why the Moser Law Firm, P.C. should not be relieved as counsel of record for Plaintiff Scott in this action. Plaintiff Scott did not appear at the October 17, 2019 hearing. The Court then scheduled a second Show Cause Hearing on November 14, 2019 by Order of the Court dated October 17, 2019. DE 50. The Court cancelled that hearing based upon Judge Feuerstein's November 12, 2019 Order, which stayed discovery in this case pending Judge Feuerstein's determination of Defendant's motion for reconsideration. On February 5, 2020, Judge Feuerstein entered an Order granting Defendant's motion for reconsideration, DE 58, and posted an Electronic Order that same day lifting the stay of discovery and holding in abeyance the parties' briefing on a motion for judgment on the pleadings pending this Court's resolution of the Moser Law Firm's representation of Plaintiff Scott. Accordingly, it is hereby

ORDERED, that DWAYNE J. SCOTT APPEAR IN PERSON BEFORE THIS COURT, THE HON. A. KATHLEEN TOMLINSON PRESIDING, AT THE ALFONSE D'AMATO FEDERAL COURTHOUSE, 100 FEDERAL PLAZA, CENTRAL ISLIP, NEW YORK, 11722, IN COURTROOM 910, ON MARCH 9, 2020 AT 11 A.M. AND SHOW CAUSE WHY THE MOSER LAW FIRM, P.C., SHOULD NOT BE RELIEVED AS COUNSEL OF RECORD FOR DWAYNE J. SCOTT IN THIS ACTION; and it is further

ORDERED, that Attorney Moser shall appear in Courtroom 910 at the March 9, 2020 Show Cause Hearing; and it is further

ORDERED, that the Moser Law Firm, P.C., shall remain counsel of record for Dwayne J. Scott until the further Order of this Court; and it is further

ORDERED, that counsel for Defendant is permitted to attend the Show Cause Hearing by telephone; and it is further

ORDERED, that Attorney Moser shall serve Dwayne J. Scott with a copy of this Order **personally** no later than February 17, 2020 as well as by first-class mail and shall file proof of such service on ECF by February 19, 2020.

PLAINTIFF DWAYNE J. SCOTT IS HEREBY ON NOTICE THAT ANY FAILURE TO APPEAR ON MARCH 9, 2020 AND/OR RESPOND TO THIS SHOW CAUSE ORDER WILL RESULT IN THIS COURT (1) RELIEVING THE MOSER LAW FIRM FROM ITS REPRESENTATION OF DWAYNE J. SCOTT AND (2) MAKING A RECOMMENDATION TO JUDGE FEUERSTEIN THAT PLAINTIFF DWAYNE J. SCOTT'S CLAIMS IN THIS ACTION BE DISMISSED FOR FAILURE TO

**PROSECUTE AND FOR FAILURE TO COMPLY WITH THE ORDERS OF THIS
COURT.**

SO ORDERED:

**Dated: Central Islip, New York
February 7, 2020**

**/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
United States Magistrate Judge**